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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Monaghan County Council.**

**Planning Register Reference Number: EX 18/06.**

**WHEREAS** a question has arisen as to whether (1) the installation of a septic tank and percolation area, (2) construction of a house and connection to septic tank (reworded to whether the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to a septic tank), and (3) erection of a pillar box on a right-of-way at Drumquill, Castleblayney, County Monaghan is or is not development or is or is not exempted development:

**AND WHEREAS** Patrick Carragher of Drumquill, Castleblayney, County Monaghan requested a declaration on the question from Monaghan County Council and no declaration issued by the planning authority:

**AND WHEREAS** Patrick Carragher referred the question for decision to An Bord Pleanála on the 22<sup>nd</sup> day of March, 2018:

**AND WHEREAS** An Bord Pleanála, in the light of the documentation on the file, has reformulated question number (2) as follows:

whether the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to a septic tank at Drumquill, Castleblaney, County Monaghan is or is not development or is or is not exempted development:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) section 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (d) Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001-2017,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the pattern of development in the area,
- (g) the submissions on file and the report of the Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that (1):

- (a) the installation of a septic tank and percolation area on, in or under the land involves the carrying out of works, as defined under section 3(1) of the Planning and Development Act, 2000, and is, therefore, development,

- (b) the development does not come within the scope of section 4(1) of the Planning and Development Act 2000, as amended,
- (c) the development does not come within the scope of any class of development listed in Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and,
- (d) there is no evidence that the septic tank and percolation area have the benefit of a grant of planning permission or pre-date the commencement of the Local Government (Planning and Development) Act 1963:

**AND WHEREAS** An Bord Pleanála has concluded that (2):

- (a) the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to a septic tank constitutes works, which in turn constitute development as defined in section 3(1) the Planning and Development Act, 2000, and the development does not benefit from any exemption under Section 4 of the Planning and Development Act,
- (b) the works to the structure do not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, as they do not comply with all of the conditions and limitations of Column 2 of Class 3, and specifically would not meet the requirements set out under Condition and Limitation numbers 1, 2,4 and 5 of Column 2 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

- (c) the connection of the structure to a septic tank does not come within the scope of any exempted development status either under the provisions of the Planning and Development Act, 2000, as amended, or under Article 6 of the Planning and Development Regulations, 2000, as amended, and is, therefore not exempted development.

**AND WHEREAS** An Bord Pleanála has concluded that (3):

- (a) the construction of a pillar structure to house an electricity meter on the edge of a laneway constitutes works, which in turn constitute development as defined in section 3(1) of the Planning and Development Act 2000,
- (b) the development of the structure does not come within the scope of exempted development provisions of Section 4(1)(g) of the Planning and Development Act 2000, as amended.
- (c) the development of the structure does not come within the scope of any class afforded exempted development status for the purposes of the Planning and Development Act, 2000, as amended.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(b) of the Planning and Development Act 2000, hereby decides that the (1) installation of a septic tank and percolation area, (2) the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to a septic tank, and (3) erection of a pillar box on a right-of-way at Drumquill, Castleblaney, County Monaghan is development and is not exempted development.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**